IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL WRIT PETITION NO. 24 OF 2005.

Gangani Resorts Pvt. Ltd.,
1st Floor, Diamond Chambers,
18th June Road,
Opp. Directorate of Education,
Panaji, Goa,
Through its Director,
Shri Girdharlal M. Gangani,
resident of Galaxy Building,
Near Mahalaxmi Temple,
Panaji, Goa. .... Petitioner.

Versus

1. M/s. Wibro Construction Company,
Through its Managing Director,
Mr. K. Abdulla, resident of
Vishaya Manzil, Plot No.6,
Behind Sai Service Station,
Porvorim, Goa.

2. State of Goa,
Through Public Prosecutor,
Panaji, Goa. .... Respondents.

Ms. Archana A.N. Gaunekar, Advocate for the Petitioner.

Shri V. Menezes, Advocate for the Respondent No.1.

Shri S.N. Sardessai, Public Prosecutor for the Respondent No.2.

CORAM: N. A. BRITTO, J.

DATE: 18TH AUGUST, 2005.

ORAL JUDGMENT:

Rule. Heard forthwith.

2. The petitioner herein is accused in Criminal Case No. OA/641/2003/C pending against him under Section 138 of the Negotiable Instruments Act, 1881. The main grievance of the petitioner is that the learned J.M.F.C. conducting the trial of the said case has been routinely adjourning the case and at times inspite of the fact that the complainant who had to give evidence as well as his Advocate were absent. It is the submission of the petitioner that undue leniency was being shown to the complainant. What has been transcribed by the petitioner in the petition does to a great extent show that the learned J.M.F.C. conducting the trial of the said case has been more than liberal in granting adjournments to the complainant and which to a great extent must have certainly caused inconvenience and/or harassment to the accused. Considering the manner the trial is proceeding it would be in the interest of justice to issue a direction to the learned J.M.F.C., Mapusa to complete the trial of the case as expeditiously as possible and in any event within a period of sixty days from the date of receipt of copy of this Order.

It is also brought to my notice by Shri Menezes, the learned counsel on behalf of the complainant that the accused had also filed a Revision Application against the Order dated 14th June, 2005 which is the subject matter of this petition as well. Learned Advocate Ms. Gaunekar has made a statement that the said Revision has been withdrawn today at 10.00 a.m.

3. With the above directions, Rule is made absolute, with no order as to costs.

N. A. BRITTO, J.

sl.